

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LEONARD DAVID VILLA, JR.,

Defendant.

CR 11-63-GF-BMM

ORDER

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on December 23, 2015. Defendant admitted he had violated Standard Condition 7 of his supervised release by using heroin and methamphetamine, he had violated Special Condition 1 of his supervised release by failing to report for urine testing, and he had violated Special Condition 7 of his supervised release by failing to comply with his location monitoring curfew and by removing the location transmitter from his ankle. Judge Johnston found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of six months, with no supervised release to follow.

No objections were filed by either party. Judge Johnston's findings

and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commadore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted that he had violated Standard Condition 7 and Special Conditions 1 and 7. Defendant could be incarcerated for up to 24 months, followed by 22 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of four to 10 months. A sentence of six months in custody followed by no supervised release is appropriate. Defendant has violated the terms of his supervised release on two prior occasions. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 99) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 7th day of January, 2016.



Brian Morris
United States District Court Judge